



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 30 2003

OFFICE OF  
CIVIL RIGHTS

**CERTIFIED MAIL# 70001670000560945109**  
**RETURN RECEIPT REQUESTED**

**In Reply Refer to:**  
EPA File: 10R-02-R4

**Guohua Liu, Ph.D.**  
**33-24 93<sup>rd</sup> St. Apt. 5L**  
**Jackson Heights, NY 11372**

**Re: REJECTION OF ADMINISTRATIVE COMPLAINT**

Dear **Mr. Liu:**

This letter is to inform you that the U.S. Environmental Protection Agency's (EPA) Office of Civil Rights (OCR) has reviewed your complaint dated October 7, 2002, alleging that US Filter Kruger Products, as an EPA contractor, has violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), and EPA's Title VI implementing regulations at 40 C.F.R. Part 7. Your complaint concerns allegations of employment discrimination and subsequent retaliation by the alleged recipient of EPA assistance (US Filter Kruger Products). The purpose of this letter is to inform you that your complaint has been rejected by EPA.

Under Title VI, a recipient of federal financial assistance may not discriminate on the basis of race, color, or national origin. Pursuant to EPA's Title VI implementing regulations, OCR conducts a preliminary review of Title VI complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). A complaint must meet the jurisdictional requirements described in EPA's Title VI regulations for investigations. First, it must be in writing. Second, it must describe an alleged discriminatory act that violates EPA's Title VI regulations (i.e., an alleged discriminatory act based on race, color, or national origin). Third, it must be filed within 180 days of the alleged discriminatory act. 40 C.F.R. § 7.120. EPA considers a complaint filed on the date it is received by EPA, or by another federal agency. Fourth, because EPA's Title VI regulations only apply to applicants for and recipients of EPA assistance, the complaint must identify an applicant for or recipient of EPA assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

Your complaint does not meet all of the jurisdictional requirements in 40 C.F.R. Part 7. Specifically, the alleged discriminatory actions were not committed by a recipient of EPA funding. Although you alleged that US Filter Kruger Products was an EPA "contractor," OCR was unable to find any "EPA assistance," as defined by EPA's Title VI regulations, provided to US Filter

Kruger Products. EPA's Title VI regulations define "EPA assistance" as;

"any grant or cooperative agreement, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which EPA provides or otherwise makes available assistance in the form of:

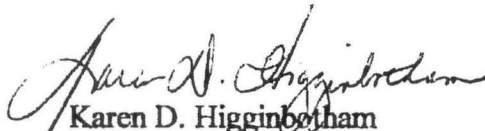
- (1) Funds;
- (2) Services of personnel; or
- (3) Real or personal property or any interest in or use of such property".

40 C.F.R. § 7.25. Therefore, pursuant to EPA's Title VI regulations regarding the processing of administrative complaints, EPA is rejecting your complaint.

You notified us that you have a similar Title VI complaint pending with the Raleigh Office of the Equal Employment Opportunity Commission. We have contacted that office and by copy of this letter, are providing them with duplicates of the attachments you submitted to EPA, to assist them during their investigation of your pending complaint.

If you have any questions regarding this letter, please contact Yasmin Yorker of my staff at (202) 564-7272, or by mail to U.S. EPA, Office of Civil Rights (MC 1201A), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460.

Sincerely,

  
Karen D. Higginbotham  
Director

cc: Stephen G. Pressman  
Acting Associate General Counsel  
Civil Rights Law Office (MC 2399A)

Terry Mah, General Manager  
US Filter Kruger Products

Nancy Tommelleo, Title VI Contact  
EPA Region 4

Johnnie Barrett (w/enclosures)  
EEOC - Raleigh Office